

U.S. Department of Homeland Security
U.S. Citizenship and Immigration Services
Immigrant Investor Program Office
131 M Street, NE, Mailstop 2235
Washington, D.C. 20529



U.S. Citizenship
and Immigration
Services

Date: June 28, 2024

Fleet New York Metropolitan Regional Center, LLC
C/O Richard Yi Xia
136 20 38th Ave., Suite 10F
Flushing, NY 11354

File Number: RCW1031910196
RCID: ID1031910196

NOTICE OF INTENT TO TERMINATE

This notice is in reference to the approved designation of Fleet New York Metropolitan Regional Center, LLC (the "Regional Center"), as a regional center in the Regional Center Program (the "Program") under INA 203(b)(5)(E)¹. The purpose of this notice is to notify the Regional Center that, pursuant to INA 203(b)(5)(J)(iv)(II), U.S. Citizenship and Immigration Services ("USCIS") intends to terminate the designation of the Regional Center to participate in the Program because of the Regional Center's failure to pay the required EB-5 Integrity Fund fee within 90 days after it becoming due.

(SEE ATTACHED)

You have thirty (30) days from receipt of this notice of intent to terminate to offer evidence in opposition to the ground or grounds alleged.

The Regional Center must provide evidence that it submitted the required EB-5 Integrity Fund fee payment within the applicable payment period. USCIS will reject EB-5 Integrity Fund fee payments for fiscal year 2023 and/or fiscal year 2024 received after Dec. 30, 2023, including those made in response to this Notice of Intent to Terminate.

Failure to respond within the time allotted may result in the termination of your designation for participation as a regional center in the Program.

Your deadline for submitting a response is: **July 31, 2024.**

¹ The Program was originally authorized under Section 610 of the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 1993, Pub. L. No. 102-395, 106 Stat. 1828 (1992). That authority was subsequently repealed pursuant to the EB-5 Reform and Integrity Act of 2022 and codified at INA 203(b)(5)(E).

Fleet New York Metropolitan Regional Center, LLC / ID1031910196
Page 2

Keep a photocopy of this notice for your records. If you otherwise write us about your case, please provide a copy of this notice.

You will be notified separately about any other applications or petitions you have filed.

Please send your response to this address:

U.S. Citizenship and Immigration Services
Immigrant Investor Program Office
131 M Street, NE
Mailstop 2235
Washington, DC 20529

IMPORTANT: RETURN THIS ORIGINAL NOTICE ON TOP OF YOUR RESPONSE.

cc: Linda Wong
Global Law Group
968 South Fair Oaks Ave. Suite 100
Pasadena, CA 91105

Fleet New York Metropolitan Regional Center, LLC / ID1031910196
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NOTICE OF INTENT TO TERMINATE

Fleet New York Metropolitan Regional Center, LLC

This notice is in reference to the approved designation of Fleet New York Metropolitan Regional Center, LLC (the "Regional Center"), as a regional center in the Regional Center Program (the "Program") under section 203(b)(5)(E) of the Immigration and Nationality Act ("INA").

The purpose of this notice is to notify the Regional Center that U.S. Citizenship and Immigration Services ("USCIS") intends to terminate the designation of the Regional Center in the Program because the Regional Center failed to pay the required EB-5 Integrity Fund fee within 90 days after it becoming due. INA 203(b)(5)(J)(iv)(II).

The regional center will be provided 30 days from receipt of the notice of intent to terminate to rebut the ground or grounds stated in the notice of intent to terminate.

USCIS will notify the regional center of the final decision. If USCIS determines that the regional center's participation in the program should be terminated, USCIS will state the reasons for termination. The regional center may appeal the final termination decision in accordance with INA 203(b)(5)(P) and 8 CFR 103.3.

I. Procedural History

A. Initial Designation

On October 7, 2010, USCIS designated the Regional Center following approval of its application for designation (RCW1031910196).

II. Analysis

A. Failure to Pay the EB-5 Integrity Fund Fee

Per INA 203(b)(5)(J)(ii), on October 1, 2022, and each October 1 thereafter, each designated regional center must pay an annual fee for the EB-5 Integrity Fund equal to—

- \$20,000 from each designated regional center with 21 or more total investors in the preceding fiscal year in its new commercial enterprises; or
- \$10,000 from each designated regional center with 20 or fewer total investors in the preceding fiscal year in its new commercial enterprises.

USCIS published the "Notice of EB-5 Regional Center Integrity Fund Fee"² announcing March 2, 2023, as the due date for payment of the fiscal year 2023 EB-5 Integrity Fund fee and providing additional details related to payment

² "Notice of EB-5 Regional Center Integrity Fund Fee," 88 FR 13141 (Mar. 2, 2023).

Fleet New York Metropolitan Regional Center, LLC / ID1031910196
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of the fee. USCIS subsequently announced that it would continue to collect the EB-5 Integrity Fund fee for fiscal year 2023 from all designated regional centers that had not yet paid the fee with a new due date of October 1, 2023, including regional centers designated prior to enactment of the EB-5 Reform and Integrity Act of 2022.

As required by INA 203(b)(5)(J), and as indicated in the Notice of EB-5 Regional Center Integrity Fund Fee, the EB-5 Integrity Fund fee for fiscal year 2024, and for each year thereafter, is due on and must be paid beginning October 1 of the applicable fiscal year.

USCIS must terminate any regional center that does not pay the fee required within 90 days after the date on which the fee is due. INA 203(b)(5)(J)(iv)(II). Therefore, USCIS must take steps to terminate any regional center that, on or before December 30, 2023, has not paid the required EB-5 Integrity Fund fees for fiscal year 2023 and/or fiscal year 2024.

As of the date of this notice, USCIS records indicate that the Regional Center did not pay the required EB-5 Integrity Fund fee for all required Federal fiscal years. Due to the Regional Center's failure to pay the required EB-5 Integrity Fund fee within 90 days of it becoming due, USCIS intends to terminate the designation of the regional center for participation in the Program as required by INA 203(b)(5)(J)(iv)(II).

III. Conclusion

USCIS has determined that the Regional Center has failed to pay the required EB-5 Integrity Fund fee within 90 days of it becoming due and intends to terminate the designation of the Regional Center in the Program.

The Regional Center will be provided 30 days from receipt of this notice to respond to this notice.

The Regional Center must provide evidence that it submitted its required EB-5 Integrity Fund fee payment within the applicable payment period. USCIS will reject EB-5 Integrity Fund fee payments for fiscal year 2023 and fiscal year 2024 received after Dec. 30, 2023, including those made in response to this Notice of Intent to Terminate.

Failure to respond to this notice of intent to terminate will result in termination of the regional center designation based on the above stated reasons.

Please mail any evidence you wish to provide in opposition to the grounds alleged in this notice of intent to terminate to the address noted below and include a copy of this letter on top of your submission.

U.S. Citizenship and Immigration Services
Immigrant Investor Program Office
131 M Street NE, Mailstop 2235
Washington, DC 20529



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July 24, 2024

Via FedEx (FedEx Number: 7775 9388 4977)

U.S. Citizenship and Immigration Services
Immigrant Investor Program Office
131 M Street, NE
Mailstop 2235
Washington, DC 20529

Response to Notice of Intent to Terminate
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RE: Response to Notice of Intent to Terminate

Name of Regional Center: Fleet New York Metropolitan Regional Center ("FNYMRC")
I-956 File No.: RCW1031910196
Regional Center ID.: ID1031910196

Dear Sir/Madam:

We represent the regional center, Fleet New York Metropolitan Regional Center ("Regional Center" or "FNYMRC") referenced above and our Forms G-28 are attached.

This letter is submitted as a timely response to USCIS' Notice of Intent to Terminate ("NOIT") dated June 28, 2024. The original Notice of Intent to Terminate is enclosed at the top of this response per USCIS' instructions.

Request: Evidence in Opposition to the Grounds Alleged in USCIS' Notice of Intent to Terminate

Evidence is enclosed, with explanations provided below, to support the regional center's continued designation. For ease of reference, the grounds set forth in the NOIT are restated below, followed by Applicant's response.

USCIS Notice of Intent to Terminate:

A. Failure to Pay the EB-5 Integrity Fund Fee

USCIS published the "Notice of EB-5 Regional Center Integrity Fund Fee" announcing March 2, 2023, as the due date for payment of the fiscal year 2023 EB-5 Integrity Fund fee and providing additional details related to payment of the fee. USCIS subsequently announced that it would continue to collect the EB-5 Integrity Fund fee for fiscal year 2023 from all designated regional centers that had not yet paid with a new date of October 1, 2023, including regional centers designated prior to enactment of the EB-5 Reform and Integrity Act of 2022.



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As required by INA 203(b)(5)(J), and as indicated in the Notice of EB-5 Regional Center Integrity Fund Fee, the EB-5 Integrity Fund fee for fiscal year 2024, and for each year thereafter, is due on and must be paid beginning October 1 of the applicable fiscal year.

USCIS must terminate any regional center that does not pay the fee required within 90 days after the date on which the fee is due. INA 203(b)(5)(J)(iv)(II). Therefore, USCIS must take steps to terminate any regional center that, on or before December 30, 2023, has not paid the required EB-5 Integrity Fund fees for fiscal year 2023 and/or fiscal year 2024.

As of the date of this notice, USCIS records indicate that the Regional Center did not pay the required EB-5 Integrity Fund fee for all required Federal fiscal years. Due to the Regional Center's failure to pay the required EB-5 Integrity Fund fee within 90 days of it becoming due, USCIS intends to terminate the designation of the regional center for participation in the Program as required by INA 203(b)(5)(J)(iv)(II).

Response to Notice of Intent to Terminate:

We appreciate USCIS' hard work and diligence in sending out notices requesting evidence of the payment of the integrity fund fee prior to termination of any regional center. However, in the instant case of Fleet New York Metropolitan Regional Center, although FNYMRC in good faith attempted to timely pay the EB-5 Integrity Fund Fee required under INA 203(b)(5)(J)(ii), through no fault of its own, the Regional Center was unable to timely pay the fee and requests excusal for any late payment due to the extenuating circumstances, as explained in more detail below.

As background, in 2021, FNYMRC and its principal became subject to a litigation matter entitled, *Securities Exchange Commission v. Xia, et al., U.S. Dist. Ct., Dkt No. 21-Civ-5350 (PKC)*. During this process, all accounts related to the Regional Center and its associated EB-5 projects were and are still currently frozen during the investigation period. A third-party monitor was appointed by the Court with respect to any release of funds from those accounts. As a result, in order for FNYMRC to pay the annual EB-5 Integrity Fund Fee or any fees, authorization from the court-appointed Monitor was required, which then requires a motion to be filed by the monitor with the Court and ultimately, court approval afterwards in order for funds to be released for payment.

Due to the Regional Center's assets being frozen, it was unable to pay the EB-5 integrity fee for fiscal years 2023 and 2024, despite its desire to do so. Since October 2023 and through December 12, 2023, prior to the December 30, 2023 deadline to pay the EB-5 Integrity Fee, FNYMRC through its securities attorney, requested authorization from the court-appointed monitor ("Monitor") for the payment of FNYMRC's EB-5 Integrity Fee. See **Exhibit A**, 12/13/2023 Peeler Emails. The Monitor requested additional information that was provided on December 15, 2023. On December 18, 2023, FNYMRC's attorney followed up with the Monitor to confirm that the integrity fees would be released for payments. Subsequent discussions ensued on December 21, 2023 via conference call. Although the Monitor indicated a readiness to pay the integrity fee before the deadline, he requested further information about other funds that



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were requested to be paid outside of the integrity fee, which stalled the authorization to release funds for the integrity fee.

Subsequently, our firm and FNYMRC's securities counsel both attempted to contact the Monitor, but received no response. On January 12, 2024, having received no response from the Monitor, FNYMRC's securities counsel wrote to the Monitor's team again, confirming the SEC's approval for the payment of the EB-5 integrity fee. The SEC's approval is shown in the email record at **Exhibit B**, 01/12/2024 Emails to Peeler and SEC.

On January 16, 2024, over two weeks past the government-mandated deadline to pay the EB-5 Integrity Fund fee, and months after FNYMRC raised this issue again, the Monitor finally filed the motion to request the release of funds.

On January 17, 2024, the Court immediately approved the motion. See **Exhibit C** for a copy of the Court Order dated July 9, 2024, re Integrity Fee. Regrettably, the government payment portal (pay.gov) already closed, and payment was unable to be made by the Regional Center even after December 30, 2023.

U.S. District Court Findings on Urgency and Importance of Fleet's Continued Operations

Kindly note, the U.S. District Court on July 9, 2024, acknowledged the following findings:

"WHEREAS, termination of Fleet as a regional center could impair the interests of Fleet's current EB-5 investors and, in turn, impair the settlement reached by the parties in this case;

WHEREAS, the Court finds safeguarding the interests of Fleet's EB-5 investors and the preservation of the settlement achieved in this case to be of paramount importance."

Based on the foregoing, and after due deliberation and sufficient cause appearing, the Court thereon granted FNYMRC's use of frozen assets to pay the integrity fee and ordered FNYMRC to pay such fees to USCIS by July 24, 2024. The court's decision to issue this order highlights the urgency and necessity of maintaining the status of FNYMRC as a designated regional center.

Request for Consideration

In light of the court's findings, it is respectfully requested that USCIS consider the significant impact that terminating FNYMRC's designation would have not only on its operations but more importantly, on the lives and futures of its investors.



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Conclusion

All of the foregoing along with the enclosed evidence is submitted as a thorough response to the Notice of Intent to Terminate issued by USCIS. Accordingly, due to the extenuating circumstances as detailed above, FNYMRC respectfully requests that USCIS forego terminating FNYMRC's regional center designation, and allow FNYMRC to pay the EB-5 Integrity Fee and comply with the Court's Order and propose a meeting to discuss this matter further.

Should you have any further questions, please do not hesitate to contact our office. Thank you for your kind consideration of this matter.

Sincerely,

Linda Wong, Esq.
Enclosures



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NOID EXHIBIT LIST

- NOIT Exhibit A** Peeler Emails showing FNYMRC through its securities attorney requested authorization from the court-appointed monitor for payment of FNYMRC's EB-5 Integrity Fee;
- NOIT Exhibit B** Emails to Peeler and SEC showing FNYMRC's securities counsel contacted the court-appointed monitor, confirming the SEC's approval for the payment of FNYMRC's EB-5 Integrity Fee;
- NOIT Exhibit C** Court Order dated July 9, 2024 re: Termination of FNYMRC as a regional center would impact project of current EB-5 investors.



Notice of Entry of Appearance as Attorney or Accredited Representative

Department of Homeland Security

DHS
Form G-28
OMB No. 1615-0105
Expires 05/31/2021

Part 1. Information About Attorney or Accredited Representative

1. USCIS Online Account Number (if any)

▶

Name of Attorney or Accredited Representative

2.a. Family Name (Last Name)

WONG

2.b. Given Name (First Name)

Linda

2.c. Middle Name

Address of Attorney or Accredited Representative

3.a. Street Number and Name

140 South Lake Ave

3.b. ☐ Apt. ☒ Ste. ☐ Flr.

230

3.c. City or Town

Pasadena

3.d. State

CA

3.e. ZIP Code

91101

3.f. Province

3.g. Postal Code

3.h. Country

USA

Contact Information of Attorney or Accredited Representative

4. Daytime Telephone Number

2138309933

5. Mobile Telephone Number (if any)

6. Email Address (if any)

linda@globallawgroup.net

7. Fax Number (if any)

2138309930

Part 2. Eligibility Information for Attorney or Accredited Representative

Select all applicable items.

- 1.a. ☒ I am an attorney eligible to practice law in, and a member in good standing of, the bar of the highest courts of the following states, possessions, territories, commonwealths, or the District of Columbia. If you need extra space to complete this section, use the space provided in **Part 6. Additional Information**.

Licensing Authority

California State Bar

1.b. Bar Number (if applicable)

135064

- 1.c. I (select **only one** box) ☒ am not ☐ am subject to any order suspending, enjoining, restraining, disbaring, or otherwise restricting me in the practice of law. If you are subject to any orders, use the space provided in **Part 6. Additional Information** to provide an explanation.

1.d. Name of Law Firm or Organization (if applicable)

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- 2.a. ☐ I am an accredited representative of the following qualified nonprofit religious, charitable, social service, or similar organization established in the United States and recognized by the Department of Justice in accordance with 8 CFR part 1292.

2.b. Name of Recognized Organization

2.c. Date of Accreditation (mm/dd/yyyy)

3. ☐ I am associated with

,
the attorney or accredited representative of record who previously filed Form G-28 in this case, and my appearance as an attorney or accredited representative for a limited purpose is at his or her request.

- 4.a. ☐ I am a law student or law graduate working under the direct supervision of the attorney or accredited representative of record on this form in accordance with the requirements in 8 CFR 292.1(a)(2).

4.b. Name of Law Student or Law Graduate

Part 3. Notice of Appearance as Attorney or Accredited Representative

If you need extra space to complete this section, use the space provided in **Part 6. Additional Information**.

This appearance relates to immigration matters before (select **only one** box):

1.a. ☒ U.S. Citizenship and Immigration Services (USCIS)

1.b. List the form numbers or specific matter in which appearance is entered.

I-956 NOIT

2.a. ☐ U.S. Immigration and Customs Enforcement (ICE)

2.b. List the specific matter in which appearance is entered.

3.a. ☐ U.S. Customs and Border Protection (CBP)

3.b. List the specific matter in which appearance is entered.

4. Receipt Number (if any)

5. I enter my appearance as an attorney or accredited representative at the request of the (select **only one** box):

☒ Applicant ☐ Petitioner ☐ Requestor
☐ Beneficiary/Derivative ☐ Respondent (ICE, CBP)

Information About Client (Applicant, Petitioner, Requestor, Beneficiary or Derivative, Respondent, or Authorized Signatory for an Entity)

6.a. Family Name (Last Name)

6.b. Given Name (First Name)

6.c. Middle Name

7.a. Name of Entity (if applicable)

Fleet New York Metropolitan Regional Center LLC

7.b. Title of Authorized Signatory for Entity (if applicable)

President

8. Client's USCIS Online Account Number (if any)

9. Client's Alien Registration Number (A-Number) (if any)

A-

Client's Contact Information

10. Daytime Telephone Number

(718) 288-5797

11. Mobile Telephone Number (if any)

12. Email Address (if any)

richard.y.xia@fnymrc.com

Mailing Address of Client

NOTE: Provide the client's mailing address. **Do not** provide the business mailing address of the attorney or accredited representative **unless** it serves as the safe mailing address on the application or petition being filed with this Form G-28.

13.a. Street Number and Name

42-31 Union St

13.b. ☐ Apt. ☐ Ste. ☐ Flr.

13.c. City or Town

Flushing

13.d. State

NY

13.e. ZIP Code

11355

13.f. Province

13.g. Postal Code

13.h. Country

USA

Part 4. Client's Consent to Representation and Signature**Consent to Representation and Release of Information**

I have requested the representation of and consented to being represented by the attorney or accredited representative named in **Part 1.** of this form. According to the Privacy Act of 1974 and U.S. Department of Homeland Security (DHS) policy, I also consent to the disclosure to the named attorney or accredited representative of any records pertaining to me that appear in any system of records of USCIS, ICE, or CBP.

Part 4. Client's Consent to Representation and Signature (continued)

Options Regarding Receipt of USCIS Notices and Documents

USCIS will send notices to both a represented party (the client) and his, her, or its attorney or accredited representative either through mail or electronic delivery. USCIS will send all secure identity documents and Travel Documents to the client's U.S. mailing address.

If you want to have notices and/or secure identity documents sent to your attorney or accredited representative of record rather than to you, please select **all applicable** items below. You may change these elections through written notice to USCIS.

- 1.a. ☐ I request that USCIS send original notices on an application or petition to the business address of my attorney or accredited representative as listed in this form.
- 1.b. ☐ I request that USCIS send any secure identity document (Permanent Resident Card, Employment Authorization Document, or Travel Document) that I receive to the U.S. business address of my attorney or accredited representative (or to a designated military or diplomatic address in a foreign country (if permitted)).

NOTE: If your notice contains Form I-94, Arrival-Departure Record, USCIS will send the notice to the U.S. business address of your attorney or accredited representative. If you would rather have your Form I-94 sent directly to you, select **Item Number 1.c.**

- 1.c. ☐ I request that USCIS send my notice containing Form I-94 to me at my U.S. mailing address.

Signature of Client or Authorized Signatory for an Entity

- 2.a. Signature of Client or Authorized Signatory for an Entity



- 2.b. Date of Signature (mm/dd/yyyy) 07/24/2024

Part 5. Signature of Attorney or Accredited Representative

I have read and understand the regulations and conditions contained in 8 CFR 103.2 and 292 governing appearances and representation before DHS. I declare under penalty of perjury under the laws of the United States that the information I have provided on this form is true and correct.

1. a. Signature of Attorney or Accredited Representative

- 1.b. Date of Signature (mm/dd/yyyy) 07/25/2024

- 2.a. Signature of Law Student or Law Graduate

- 2.b. Date of Signature (mm/dd/yyyy)



Part 6. Additional Information

If you need extra space to provide any additional information within this form, use the space below. If you need more space than what is provided, you may make copies of this page to complete and file with this form or attach a separate sheet of paper. Type or print your name at the top of each sheet; indicate the **Page Number**, **Part Number**, and **Item Number** to which your answer refers; and sign and date each sheet.

1.a Family Name (Last Name)

1.b. Given Name (First Name)

1.c. Middle Name

2.a. Page Number 2.b. Part Number 2.c. Item Number

2.d.

4.a. Page Number 4.b. Part Number 4.c. Item Number

4.d.

5.a. Page Number 5.b. Part Number 5.c. Item Number

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5.d.

3.a. Page Number 3.b. Part Number 3.c. Item Number

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3.d.

6.a. Page Number 6.b. Part Number 6.c. Item Number

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6.d.



Exhibit A

Fwd: Request for Release of Funds

Adam Ford <aford@fordobrien.com>

on behalf of

Coppola, Alexandra <alexandra.coppola@afslaw.com>

Fri 5/17/2024 2:51 PM

To: Adam Ford <aford@fordobrien.com>

Cc: Matthew Aaron Ford <mford@fordobrien.com>; Peeler, M. Scott <scott.peeler@afslaw.com>; Renee Jarusinsky <rjarusinsky@fordobrien.com>; Megahan, Brianne E. <brianne.megahan@afslaw.com>

 1 attachments (23 KB)

invite.ics;

Here is the correspondence where we seek release of funds on December 20, and they refuse.

----- Forwarded message -----

From: **Coppola, Alexandra** <alexandra.coppola@afslaw.com>

Date: Thu, Dec 21, 2023 at 1:45 PM

Subject: Request for Release of Funds

To: Adam Ford <aford@fordobrien.com>

Cc: Matthew Aaron Ford <mford@fordobrien.com>, Peeler, M. Scott <scott.peeler@afslaw.com>, Renee Jarusinsky <rjarusinsky@fordobrien.com>, Megahan, Brianne E. <brianne.megahan@afslaw.com>

Microsoft Teams meeting

Call in (audio only)

+1 929-344-4604,,825723123# United States, New York City

Phone Conference ID: 825 723 123#

[Find a local number](#) | [Reset PIN](#)



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From: Adam Ford <aford@fordobrien.com>
Sent: Thursday, December 21, 2023 11:50 AM
To: Coppola, Alexandra <alexandra.coppola@afslaw.com>
Cc: Bloom, Mark A. <mark.bloom@afslaw.com>; Matthew Aaron Ford <mford@fordobrien.com>;
Peeler, M. Scott <scott.peeler@afslaw.com>; Renee Jarusinsky <rjarusinsky@fordobrien.com>
Subject: Re: Request for Release of Funds

Let's do 5:45 this afternoon. Thank you.

Ford O'Brien Landy, LLP

275 Madison Avenue, 24th Floor

New York, NY 10016

aford@fordobrien.com

(212) 858-0040 (office)

(646) 479-3810 (mobile)

On Thu, Dec 21, 2023 at 11:46 AM Coppola, Alexandra <alexandra.coppola@afslaw.com> wrote:

Hi Adam –

We can speak at 5:45pm today or tomorrow any time between 10am-12pm or 12:45pm-2:30pm.
Please let us know what is best for you and your team.

Thank you!

Best,

Alexandra Coppola (SHE/HER/HERS)

ASSOCIATE | ARENTFOX SCHIFF LLP

alexandra.coppola@afslaw.com | direct 212.457.5546

From: Adam Ford <aford@fordobrien.com>

Sent: Thursday, December 21, 2023 11:08 AM

To: Coppola, Alexandra <alexandra.coppola@afslaw.com>

Cc: Matthew Aaron Ford <mford@fordobrien.com>; Renee Jarusinsky <rjarusinsky@fordobrien.com>; Peeler, M. Scott <scott.peeler@afslaw.com>; Bloom, Mark A. <mark.bloom@afslaw.com>

Subject: Re: Request for Release of Funds

You don't often get email from aford@fordobrien.com. [Learn why this is important](#)

Sorry for delayed response, can we do this afternoon after 4pm?

Again, if you have specific questions it would be helpful to send in advance.

On Wed, Dec 20, 2023 at 1:45 PM Coppola, Alexandra <alexandra.coppola@afslaw.com> wrote:

Hi Adam –

Thank you very much for this. We think a call would still be helpful. What is your availability this afternoon or tomorrow morning?

Best,

Alexandra Coppola (SHE/HER/HERS)

ASSOCIATE | ARENTFOX SCHIFF LLP

alexandra.coppola@afslaw.com | direct 212.457.5546

From: Adam Ford <aford@fordobrien.com>

Sent: Wednesday, December 20, 2023 10:11 AM

To: Coppola, Alexandra <alexandra.coppola@afslaw.com>

Cc: Matthew Aaron Ford <mford@fordobrien.com>; Renee Jarusinsky <rjarusinsky@fordobrien.com>; Peeler, M. Scott <scott.peeler@afslaw.com>; Bloom, Mark A. <mark.bloom@afslaw.com>

Subject: Re: Request for Release of Funds

You don't often get email from aford@fordobrien.com. [Learn why this is important](#)

Alexandra,

Please see the below answers embedded and the attachment. After reviewing, please let me know if you still want to speak today.

Adam

1. \$20,000 EB-5 Integrity Fee for Regional Center

- a. Did your client receive a notice or invoice in writing for the \$20,000 payment? If so, can you please send that to us.

See invoice attached

- b. Does your client plan to initiate the payment through [Pay.gov - Sign in to your Pay.gov account](#) once the necessary funds are released?

Yes

- c. Is this just for the Eastern Mirage project? It is for Eastern Mirage and Emerald projects.

2. \$31,630 for I-956G for Regional Center Annual Filing and Attorney Fee

- a. Who are the attorney(s) and law firm anticipated to prepare the filing?
- i. Have they provided and estimate or cost breakdown?

Global Law Group, see invoice.

- b. Has current status of the regional center been verified?

Yes, still on USCIS website as active.

c. Is this just for the Eastern Mirage project?

It is for Eastern Mirage and Emerald projects.

On Tue, Dec 19, 2023 at 2:13 PM Coppola, Alexandra <alexandra.coppola@afslaw.com> wrote:

Hi Adam –

Thank you for making the time to speak this afternoon. Would 4pm or 4:30pm work? I've included our questions below.

.....

1. \$20,000 EB-5 Integrity Fee for Regional Center

a. Did your client receive a notice or invoice in writing for the \$20,000 payment? If so, can you please send that to us.

b. Does your client plan to initiate the payment through Pay.gov - Sign in to your Pay.gov account once the necessary funds are released?

c. Is this just for the Eastern Mirage project?

2. \$31,630 for I-956G for Regional Center Annual Filing and Attorney Fee

a. Who are the attorney(s) and law firm anticipated to prepare the filing?

i. Have they provided and estimate or cost breakdown?

b. Has current status of the regional center been verified?

c. Is this just for the Eastern Mirage project?

Alexandra Coppola (SHE/HER/HERS)

ASSOCIATE | ARENTFOX SCHIFF LLP

alexandra.coppola@afslaw.com | direct 212.457.5546

From: Adam Ford <aford@fordobrien.com>

Sent: Tuesday, December 19, 2023 1:03 PM

To: Coppola, Alexandra <alexandra.coppola@afslaw.com>

Cc: Matthew Aaron Ford <mford@fordobrien.com>; Renee Jarusinsky <rjarusinsky@fordobrien.com>; Peeler, M. Scott <scott.peeler@afslaw.com>; Bloom, Mark A. <mark.bloom@afslaw.com>

Subject: Re: Request for Release of Funds

You don't often get email from aford@fordobrien.com. [Learn why this is important](#)

We can make time this afternoon. Can you please provide the questions in advance in the event we need more information?

On Tue, Dec 19, 2023 at 12:57 PM Coppola, Alexandra <alexandra.coppola@afslaw.com> wrote:

Hi Adam –

Do you and your team have some time to discuss the requests today or tomorrow? We just have a few questions that we would like to clarify with you. Please let us know your availability.

Thank you,

Alexandra Coppola (SHE/HER/HERS)

ASSOCIATE | ARENTFOX SCHIFF LLP

alexandra.coppola@afslaw.com | direct 212.457.5546

From: Peeler, M. Scott <scott.peeler@afslaw.com>
Sent: Tuesday, December 19, 2023 9:30 AM
To: Adam Ford <aford@fordobrien.com>
Cc: Coppola, Alexandra <alexandra.coppola@afslaw.com>; Matthew Aaron Ford <mford@fordobrien.com>; Renee Jarusinsky <rjarusinsky@fordobrien.com>
Subject: Re: Request for Release of Funds

Adam -

Meeting with my team about this and a few other items this morning - will be back with you ASAP.

Best,

Scott

M. Scott Peeler

Co-Practice Group Leader

Government Enforcement & White Collar

Pronouns: he, him, his

ArentFox Schiff | Attorneys at Law

1301 Avenue of the Americas, Floor 42
New York, NY 10019

212.484.3909

917.207.1020 MOBILE

scott.peeler@afslaw.com

M. Scott Peeler

PARTNER AND GOVERNMENT ENFORCEMENT & WHITE COLLAR PRACTICE CO-LEADER | ARENTFOX SCHIFF LLP
scott.peeler@afslaw.com | direct 212.484.3909

On Dec 18, 2023, at 4:02 PM, Adam Ford <aford@fordobrien.com> wrote:

Scott,

Can you confirm you don't need further information and this can get paid.

Adam

Ford O'Brien Landy, LLP

275 Madison Avenue, 24th Floor

New York, NY 10016

aford@fordobrien.com

(212) 858-0040 (office)

(646) 479-3810 (mobile)

On Fri, Dec 15, 2023 at 7:36 AM Adam Ford <aford@fordobrien.com> wrote:

Scott,

1. \$20,000 EB-5 integrity fee for regional center

Refer to this link for more information about the EB-5 integrity fee required to be paid on an annual basis by each designated regional center: <https://www.uscis.gov/IntegrityFund#:~:text=The%20annual%20fee%2C%20as%20established,the%20annual%20fee%20is%20%2410%2C000>. The amount of the integrity fee is based on how many active investors the RC has in its sponsored projects. If the RC has 20 or fewer total investors in the preceding fiscal year in its EB-5 new commercial enterprise, the annual fee is \$10,000. Otherwise, the annual fee is \$20,000. The first fee was due

4/1/2023. Starting fiscal year 2024, the fee will be due at the start of each fiscal year between 10/1 and 10/3.

2. \$31,630 for I-956G for regional center annual filing and attorney fee

The Form I-956G is the annual statement required to be filed by designated regional centers. The filing is due by 12/29/2023 each year to report on EB-5 project activities sponsored by the RC for the previous fiscal year (e.g., I-956G filing must be received by USCIS by 12/29/2023 for FY 2023, covering Oct. 1, 2022 – Sept. 30, 2023. Here is a link to the form and its instructions for more details: <https://www.uscis.gov/i-956g>. The filing fee for this form is \$3,035. The remaining amount is for the attorneys fee to prepare the annual filing.

Let me know if you have further questions.

Adam

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New York, NY 10016

aford@fordobrien.com

(212) 858-0040 (office)

(646) 479-3810 (mobile)

On Wed, Dec 13, 2023 at 8:06 AM Peeler, M. Scott <scott.peeler@afslaw.com> wrote:

Thank you, Adam. I'm afraid we're out of pocket today, but we'll turn to this urgently. It would help us greatly for some background on the legal necessity, operative deadlines, and other requirements underlying these proposed expenses. There was some confusion and changing requirements this time last year on these points, and we would appreciate any updates/background you, Mr. Xia, and/or his specialized EB-5 counsel can offer.

Best regards,

Scott

M. Scott Peeler

Co-Practice Group Leader

Government Enforcement & White Collar

Pronouns: he, him, his

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New York, NY 10019

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scott.peeler@afslaw.com

M. Scott Peeler

PARTNER AND GOVERNMENT ENFORCEMENT & WHITE COLLAR PRACTICE CO-LEADER |

ARENTFOX SCHIFF LLP

scott.peeler@afslaw.com | direct 212.484.3909

On Dec 12, 2023, at 3:21 PM, Adam Ford
<aford@fordobrien.com> wrote:

Scott,

We understand that the following payments need to be made
and request your authorization and payment:

1) \$20,000 EB-5 integrity fee for regional center

2) \$31,630 for I-956G for regional center annual filing and attorney fee

Please let me know if you have any questions or want to discuss.

Adam

--

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Exhibit B

Fwd: Integrity fee

Adam Ford <aford@fordobrien.com>

Fri 5/17/2024 3:09 PM

To: Matthew Aaron Ford <mford@fordobrien.com>; Qitao Wu <qitaow@hantmanlaw.com>; Renée L. Jarusinsky <rjarusinsky@fordobrien.com>; Richard Xia <richard.xia@fleetfinancialgroup.com>; Robert J. Hantman, Esq. <rhantman@hantmanlaw.com>



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----- Forwarded message -----

From: **Peeler, M. Scott** <scott.peeler@afslaw.com>

Date: Fri, Jan 12, 2024 at 6:02 PM

Subject: Re: Integrity fee

To: Adam Ford <aford@fordobrien.com>, Coppola, Alexandra <alexandra.coppola@afslaw.com>

CC: Colorado, Christopher <coloradoch@sec.gov>, Han, Kim <hanki@sec.gov>, Matthew Aaron Ford <mford@fordobrien.com>, Renee Jarusinsky <rjarusinsky@fordobrien.com>, Stoelting, David <StoeltingD@sec.gov>

Adam –

Please allow me to respond as Allie continues to work on getting this filed. Given the larger set of facts and circumstances surrounding this situation, I would respectfully ask that you withdraw your characterization that my team is in any way intentionally attempting to slow this process down. That is not now nor has it ever been the case. Allie's good faith request was based upon our understanding and considerable experience of what the court expects when reviewing any requests for a release of funds. We are prepared to file. My understanding is that Allie spoke with the SEC and as soon as we have their thoughts regarding consent, we will do so.

I would also appreciate a meeting with you and your team early next week. If you let me know good dates and times, I would be most grateful.

Best regards,

Scott

M. Scott Peeler

PARTNER AND GOVERNMENT ENFORCEMENT & WHITE COLLAR PRACTICE CO-LEADER | **ARENTFOX SCHIFF LLP**
scott.peeler@afslaw.com | DIRECT 212 484 3909

From: Adam Ford aford@fordobrien.com

Date: Friday, January 12, 2024 at 5:42 PM

To: Coppola, Alexandra <alexandra.coppola@afslaw.com>

Cc: Colorado, Christopher <coloradoch@sec.gov>, Peeler, M. Scott <scott.peeler@afslaw.com>, Han, Kim hanki@sec.gov, Matthew Aaron Ford mford@fordobrien.com, Renee Jarusinsky <rjarusinsky@fordobrien.com>, Stoelting, David <StoeltingD@sec.gov>

Subject: Re: Integrity fee

Alexandra,

I hope the screenshot you request is not holding up this request. The client is traveling and unable to do it, nor is it necessary. Your motion notes the fee is set by statute, it's the same number in the invoice from the lawyers, it's the same number the SEC said it was, there is no doubt the fee is 20K and the court has more than enough information and back up to grant the request. The demand that Mr. Xia send a screengrab appears calculated to slow down the process without providing any benefit or protection to anyone, and rather causing grave risk to the enterprise. Please file the motion asap.

Adam

On Fri, Jan 12, 2024 at 3:33 PM Coppola, Alexandra <alexandra.coppola@afslaw.com> wrote:

Hi all –

Attached please find our draft motion papers for the release of funds for payment of the integrity fee. Please let us know if there are any questions or if anyone would like to discuss.

Adam – We still have not received a response from you to our email yesterday. The email is attached. Please advise.

Thank you,

Alexandra Coppola (SHE/HER/HERS)

ASSOCIATE | ARENTFOX SCHIFF LLP

alexandra.coppola@afslaw.com | DIRECT 212.457.5546

From: Adam Ford <aford@fordobrien.com>

Sent: Friday, January 12, 2024 1:54 PM

To: Colorado, Christopher <coloradoch@sec.gov>

Cc: Coppola, Alexandra <alexandra.coppola@afslaw.com>; Peeler, M. Scott <scott.peeler@afslaw.com>; Han, Kim <hanki@sec.gov>; Matthew Aaron Ford <mford@fordobrien.com>; Renee Jarusinsky <rjarusinsky@fordobrien.com>; Stoelting, David <StoeltingD@sec.gov>

Subject: Re: Integrity fee

Thank you.

On Fri, Jan 12, 2024 at 1:52 PM Colorado, Christopher <coloradoch@sec.gov> wrote:

To be clear, I don't think we know one way or another the date by which it must be paid. We are aware that the integrity fee requirement exists and that USCIS has moved the due date for payment of the fee at various times. That said, if Fleet will not be in good standing due to the non-payment of the fee, the fee is not excessive (I believe it to be in the range of \$20,000), and a benefit exists for the investors, then I suspect we would not file an objection to its payment. We do reserve our rights in this regard. Happy to discuss.

Thanks,

Chris

From: Adam Ford <aford@fordobrien.com>

Sent: Friday, January 12, 2024 1:36 PM

To: Coppola, Alexandra <alexandra.coppola@afslaw.com>; Peeler, M. Scott
scott.peeler@afslaw.com
Cc: Colorado, Christopher <coloradoch@SEC.GOV>; Han, Kim <hanki@SEC.GOV>;
Matthew Aaron Ford <mford@fordobrien.com>; Renee Jarusinsky
<rjarusinsky@fordobrien.com>
Subject: Integrity fee

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Ale andra,

Three or four days ago you told me you were going to contact the SEC to confirm they do not object to the 20K integrity fee. I understand this has not been done. Please do so immediately, the projects are at risk as a result of this failure. I've spoken with Chris and Kim and understand they agree the fee should be paid. Please confirm with them and please seek court approval as soon as possible. Thank you.

Adam

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Exhibit C

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

SECURITIES AND EXCHANGE
COMMISSION,

Plaintiff,

-against-

RICHARD XIA, a/k/a YI XIA; and
FLEET NEW YORK METROPOLITAN REGIONAL
CENTER, LLC, f/k/a FEDERAL NEW YORK
METROPOLITAN REGIONAL CENTER, LLC;

Defendants,

-and-

JULIA YUE, a/k/a JIQING YUE, XI VERFENSTEIN,
and XINMING YU,

Relief Defendants.

21-CV-5350 (PKC)

**ORDER APPROVING THE MONITOR'S
MOTION AUTHORIZING THE RELEASE OF FUNDS FOR
PAYMENT OF EB-5 INTEGRITY FUND FEE**

WHEREAS, on January 17, 2024, the Court granted the Motion for Approval of Release of Funds for Payment of EB-5 Integrity Fund fee (the "Motion") of Court-appointed monitor M. Scott Peeler for entry of an order directing Defendant Richard Xia to have Defendant Fleet New York Metropolitan Regional Center, LLC, ("Fleet") or other Xia Entity pay \$20,000 to U.S. Citizenship and Immigration Services ("USCIS") for the annual EB-5 Integrity Fund fee (the "Integrity Fee") with funds from the CTBC account ending in 9799 or other Xia Entity account(s) if additional funds are needed;

WHEREAS, Defendants were unable to make the payment at that time due to the USCIS portal being closed and thereafter did not make the required Integrity Fee payment;

WHEREAS, Defendants were notified by USCIS on or about June 28, 2024 that Fleet will be terminated as a regional center for purposes of the EB-5 Program for failure to pay the Integrity Fee and that Fleet has until July 31, 2024 to “offer evidence in opposition to the ground or grounds alleged” for termination;

WHEREAS, on July 8, 2024, Defendants requested that the Court again issue an order directing Defendant Xia to have Fleet or another Xia Entity pay the Integrity Fee to USCIS, and to release funds from the CTBC account ending in 9799 or other Xia Entity account(s), if additional funds are needed, for that purpose (“Second Motion”);

WHEREAS, termination of Fleet as a regional center could impair the interests of Fleet’s current EB-5 investors and, in turn, impair the settlement reached by the parties in this case; and

WHEREAS, the Court finds safeguarding the interests of Fleet’s EB-5 investors and the preservation of the settlement achieved in this case to be of paramount importance;

NOW, THEREFORE, based upon the Second Motion and all of the proceedings before this Court, and after due deliberation and sufficient cause appearing therefor, and no objection to the Second Motion having been raised, it is hereby:

ORDERED that Defendants’ Second Motion is granted and that Defendant Xia is directed to have Fleet or other Xia Entity pay the Integrity Fee of \$20,000 to USCIS with funds from the CTBC account ending in 9799 or other Xia Entity account(s), if additional funds are needed, by July 24, 2024; and it is further

ORDERED that CTBC shall release, solely for the purpose of paying the Integrity Fee to USCIS, funds from Defendant's account ending in 9799 or other Xia Entity account(s), if additional funds are needed, for \$20,000; and it is further

ORDERED that Defendants shall file a status report on the Integrity Fee payment by September 30, 2024, along with documentary proof of any payment.

ORDERED that the Court shall retain jurisdiction to hear and determine all matters arising from the implementation of this Order.

SO ORDERED, this 9th day of July, 2024.

/s/ Pamela K. Chen

Pamela K. Chen
United States District Court Judge